IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WA.No. 1308 of 2007()

AGAINST THE JUDGEMENT IN WPC.33389/2006 Dated 01/01/2007

APPELLANT: (RESPONDENTS 2,3 & 4 IN THE WRIT PETITION):
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1. THE KERALA STATE ROAD TRANSPORT
   CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR,
   TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. THE DISTRICT TRANSPORT OFFICER,
   K.S.R.T.C., KOTTAYAM DEPOT.

3. THE WORKS MANAGER,
   KSRTC REGIONAL WORK SHOP, ALUVA.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENTS: (PETITIONER AND RESPONDENTS 1 & 5 IN THE W.P.):
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1. K.CHANDRAMOHANAN, S/O.KESAVAN,
   CHARGEMAN, KSRTC, KOTTAYAM DEPOT.

2. KERALA STATE TRANSPORT WORKERS
   CO-OPERATIVE SOCIETY LTD. NO.133, THAMPANUR,
   THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

3. T.S.SAHADEVAN, MECHANIC (UPHOLSTER),
   KSRTC, REGIONAL WORKSHOP, ALUVA.

BY ADV. SRI.C.A.CHACKO

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 1308 OF 2007

Dated this the 7th June, 2007

JUDGMENT

H.L.DATTU, C.J.

The Kerala State Road Transport Corporation ('Corporation' for short) has filed this writ appeal being aggrieved by the orders passed by the learned single Judge in W.P.(C) No.33389 of 2006 dated 1st January, 2007. By the impugned judgment, the learned Judge has only directed the appellants to realize an amount of Rs.42,162/- from the benefits of Sri.K.Chandramohanan who was an employee of the Corporation and pay the same to the Kerala State Transport Workers' Co-operative Society.

2. The learned counsel appearing for the appellants would submit that the retirement benefits are given on the basis of a scheme by which pensionary benefits are disbursed according to seniority, as directed in W.A.No.289 of 2001. Therefore, a submission is made that the learned Judge could not have directed them to pay a sum of Rs.42,162/- from the pensionary benefits payable to the writ petitioner within a particular time frame.

3. This Court in exercise of the extraordinary jurisdiction, inorder to come to the aid of a needy person, may ask an authority, a Corporation, a Board etc. , to pay certain amounts out of turn. If such directions are issued, it cannot be said that it is in violation of the scheme framed by the Corporation. In that view of the matter, we do not see any error in the order passed by the learned single Judge calling for our interference in the writ appeal. Accordingly, the appeal requires to be rejected and it is rejected. However, appellants are granted one more month's time from today to comply with the orders and directions issued by the learned single Judge in the writ petition.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/